

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joel E. Short et al.  
App. No : 09/693,481  
Filed : October 20, 2000  
For : SYSTEMS AND METHOD FOR  
DYNAMIC BANDWIDTH  
MANAGEMENT ON A PER  
SUBSCRIBER BASIS IN A  
COMMUNICATIONS NETWORK  
Examiner : Liang Che A Wang  
Art Unit : 2453  
Conf No. : 8652

CERTIFICATE OF EFS WEB  
TRANSMISSION

I hereby certify that this correspondence,  
and any other attachment noted on the  
automated Acknowledgement Receipt, is  
being transmitted from within the Pacific  
Time zone to the Commissioner for Patents  
via the EFS Web server on:

April 29, 2010  
(Date)

  
Jarom D. Kesler, Reg. No. 57,046

**COMMENTS ON THE SUBSTANCE OF THE INTERVIEW AND ON THE  
EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

**Mail Stop Issue Fee**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants thank the Examiner for indicating the allowability of each of the pending claims. On January 28, 2010, Applicants' representatives, Jarom Kesler and Milan Kapadia conducted an in-person interview with Examiner Liang Che A Wang.

During the interview, related pending application 12/579,820 was discussed. Differences between Applicants' claimed inventions and the prior art of record were discussed. Such prior art included references submitted in the IDS documents and the Examiner's search. In particular, the Carr, Jones, Sherman, Gulliford, Fowler, Barton, Salkewicz, and Ayres references were discussed. The discussion also covered the claims of the related case and its corresponding prosecution history. No exhibits or demonstrations were presented. Agreement was reached among the Applicants' representatives and Examiner on claims that overcame the prior art of record.

Immediately following the interview, Applicants' representatives filed an Amendment including the claims that were discussed. Subsequently, in telephonic discussions with the Examiner, the references of the supplemental IDS's were discussed.

Applicants respectfully submit the following comments on the Examiner's Statement of Reasons for Allowance. To the extent that there is any implication in such Statement that the patentability of the claims rests on the recitation of a single feature or the combination of particular features, Applicants respectfully disagree, since patentability rests on each claim taken as a whole. Therefore, Applicants respectfully traverse the Examiner's Statement of Reasons for Allowance.

Applicants also respectfully reserve the right to traverse the characterizations of what any particular reference shows or teaches, of what any combination of references shows or teaches, or the appropriateness of combining references. Further, by making certain amendments to the claims as discussed with the Examiner, Applicants are not conceding that previously pending claims are not patentable. Rather, the amendments are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the application's disclosure. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/29/10

By: 

Jarom D. Kesler  
Registration No. 57,046  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404